I. REMARKS

Claims 1-8 and 10-24 are pending. No amendments are made to the specification or claims at this time.

Claims 1-8 and 11-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5-11 and 16-17 of co-pending Application Serial No. 10/814,339.

Applicants submit that this rejection has been overcome by the enclosed Terminal Disclaimer over Application Serial No. 10/814,339. Accordingly, Applicants respectfully respect withdrawal of this rejection.

Claims 1-8, 14-16, and 18-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as unpatentable over Zolonitsky et al. (U.S. Patent App. Pub. No. 2001/003124). This rejection is traversed.

Applicants respectfully disagree with the Examiner's statement that "[t]he reference further exemplifies addition of POLYMIST brand PTFE ...[as] ... powdered and irradiated PTFE with the particles [size] and other characteristics fully corresponding to the claimed characteristics" (paragraph bridging pages 3-4 of the Office Action).

In contrast, Applicants submit that the "PTFE (POLYMIST®)" disclosed in Example 6 of Zolonitsky et al. is not identified as a PTFE with the properties of the presently claimed invention. For example, the Examples in the present specification disclose "POLYMIST F5A" as component B as a nucleating agent.

Applicants note that POLYMIST® is the trademark of a generic PTFE polymer, which is used by Zolonitsky et al. as optional component IV), which comprises

"optionally other ingredients such as fillers, smoke retarders, intumescent agents, pigments, lubricants, organic fire retardants and thermal stabilizers" (Zolonitsky et al, column 2, paragraph 21, claim 1, and Abstract) (emphasis added). Zolonitsky et al. also discloses that "the optional ingredients are fillers (for example, polytetrafluoroethylene (PTFE)...)" (Zolonitsky et al., page 2, paragraph 46) (emphasis added). As such, Applicants submit that the POLYMIST® of Example 6 of Zolonitsky et al. is used only as optional ingredient IV) as a filler.

Further, Zolonitsky et al. concerns thermoplastic fluoropolymers without any reference to foaming properties (i.e., voids % or average void sizes). No nucleating or foaming agent is cited as optional ingredient IV), since the technical problem of foaming is absent in Zolonitsky et al.

Moreover, Applicants note that Example 6 of Zolonitsky et al. uses the same "Polymer A" as in Example 3 ("As in Example 3 ..."), where Polymer A is defined in Example 1 as having a "material balance ...[of] ethylene 40% by moles, chlorotrifluoroethylene 55% by moles and n-butylacrylate 5% by moles" (Zolonitsky et al., page 3, paragraph 66) (emphasis added). In contrast, the presently claimed invention discloses "50-99.9% by weight of a chlorotrifluoroethylene (CTFE) polymer containing at least 80% by moles of CTFE" (present claim 1) (emphasis added). As such, the percentage by moles of CTFE of the copolymer of Zolonitsky et al. is clearly outside the range of "at least 80% by moles of CTFE" of the presently claimed invention.

As such, the product of Example 6 of Zolonitsky et al. is actually very different from that of, for example, present Example 1 with a "void % of the coating of the wire

results to be 35%" and "[t]he size of the obtained cells ranges from 10 to 50 micron" (Specification, page 12, lines 3-5).

Further to the Examiner's observation that "the reference does not disclose foams obtained from the ... claimed properties of the composition" (Office Action, page 4, first full paragraph), Applicants note that no foaming agent is disclosed by Zolonitsky et al., especially as Zolonitsky et al. discloses the PTFE POLYMIST® only as a filler. Zolonitsky et al. also clearly discloses a polymeric composition that cannot foam because the CTFE amount is far lower than "at least 80% by moles of CTFE" (present claim 1).

For at least the above reasons, Applicants submit that those of skill in the art would not have found claims 1-8, 14-16, and 18-22 anticipated by or obvious over the disclosure of Zolonitsky et al. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-8, 14-16, and 18-22 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as unpatentable over Zolonitsky et al.

Claims 11-13, 17, 23, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zolonitsky et al. This rejection is traversed.

Applicants submit that dependent claims 11-13, 17, 23, and 24 are patentable for at least the same reasons as independent claim 1.

Further, Applicants note that the technical problem of the presently claimed invention is to "have available a fluoropolymer based composition that it were easy to be prepared and easy to be transformed into foamed coatings or articles having improved electrical insulation properties" (Specification, page 3, lines 15-18). In contrast,

Applicants submit that there is no teaching or suggestion of foamed compositions in Zolonitsky et al., as discussed above. In particular, there is no teaching or suggestion in Zolonitsky et al. of "B) 0.1-50% by weight of a nucleating agent; wherein said foamable compositions do not contain any other foaming agents" (present claim 1) for preparing foamed coatings or articles having improved electrical insulation properties. Applicants note that the present specification discloses that "foamed insulations of electric wire and cables are obtained having a void degree ... preferably higher than 20% by volume, wherein the average cell sizes are lower than 100 micron" (Specification, page 8, lines 13-16; and Examples 1, 3, and 4).

For at least the above reasons, Applicants submit that those of skill in the art would not have found claims 11-13, 17, 23, and 24 obvious over the disclosure of Zolonitsky et al. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 11-13, 17, 23, and 24 under 35 U.S.C. § 103(a) over Zolonitsky et al.

II. Conclusion

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not timely filed, Applicants hereby petition for an additional extension of time. The fees for this extension, together with any additional fees that may be due with respect to this paper are hereby authorized to be charged to Deposit Account No. 01-2300, referencing docket number **108910-00129**.

Respectfully submitted,

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Enclosure: Terminal Disclaimer